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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,304	09/29/2000	Neelakantan Sundaresan	AM9-99-0146	2605

21254 7590 05/22/2003

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EXAMINER
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ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/672,304

Applicant(s)

SUNDARESAN, NEELAKANTAN

Examiner

Haythim J. Alaubaidi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/12/03 Response & 5/13/03 Letter.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-23 are presented for examination.

***Response to MISC Letter***

2. This Office Action is in response to the communication filed on 12 March 2003 and the MISC letter filed on 13 May, 2003 regarding the request to correct the mailing date of the previous office action.

***Response to Arguments***

3. Applicant's arguments with respect to claim 1-23, have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable by Marc Alexander Najork (U.S. Patent No. 6,321,265 and Najork hereinafter) in view of Shmuel Shaffer (U.S. Patent NO. 6,094,681 and Shaffer hereinafter).

Regarding Claims 1, 7, 17 and 23, Najork discloses:

accessing a first file on the network (Col 5, Line 53, i.e. given a set of URL's; see also Col 6, Lines 48-56)

downloading data from the first file (Col 5, Lines 53-55, i.e. begins downloading documents)

setting an access time to access a second file (Col 2, Lines 43-45, i.e. *The next download time value assigned to each web server by the Scooter web crawler is based on the download time of a previous document from the same web server, see also Col 10, Lines 43-50, i.e. The wait time between downloads from a particular host may be a constant value, or may be proportional to the download time of one or more previous documents downloaded from the host*)

Najork reference discloses all of the claimed subject matter set forth above, except the reference does not explicitly indicate the part of basing this access time on data (scheduled updates) downloaded from the first file. Shaffer however discloses the pushing technology<sup>1</sup> of information or accessing or downloading based on scheduled updates (Abstract, i.e. the data filter is capable of analyzing data included in web page updates transmitted to a web browser of the compute, e-mail messages, scheduling updates; see also Col 1, Lines 18-25, i.e. *Push technology associated with the World Wide Web of the Internet enables a user to subscribe to a service which automatically transmits to the user updates of particular web sites. For instance, a user might subscribe to a push service which provides regular updates of stock prices. Each time the stock prices are updated at a particular web site, or after a selected period of time, the user receives updated information*; see also Col 2, Lines 38-43, i.e. *In a preferred embodiment, the messages received by the computer include web page updates received by a router associated with a web server on the World Wide Web of the Internet. For example, the computer may be subscribed to a*

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<sup>1</sup> The Examiner is referring to the push technology just as it is mentioned in the instant application on Page 4, Line 15 – Page 5, Line 2

*push service provider which provides scheduled updates of stock prices; see also Col 4, Lines 11-17).* Given the intended broad application of the Najork system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Najork with the teachings of Shaffer to have a web crawler or a search engine to subscribe to one of these push servers just as in the computer 10 of Figure NO. 1 for Shaffer, because the push and/or the pull technology are well known (page 4, Line 15 – page 5, Line 2), and one would like to only visit a web site when new info is available or be notified of an event when new info became available, also to dramatically minimize and to free-up the system resources not mentioning the benefits to minimizing the network traffic.

Regarding Claims 2, 9 and 18, Najork discloses wherein the second file is the same as the first file (Col 7, Lines 10-12; see also Col 8, Lines 57-58, i.e. *each queue contains URL's having the same host name component; see also Col 4, Lines 56-62, i.e. A given host name may be associated with more than one IP address because an Internet host may have multiple interfaces, with each interface of the host having a unique IP address. Also, a host may be replicated on multiple computers, each having its own IP address, but providing access to the same information*).

Regarding Claims 3, 10-11 and 19, the limitations of these claims are similar in scope to the rejected claims 1, 7, 17 and 23 above. They are therefore rejected as set forth above.

Regarding Claims 4, 12 and 20, Najork discloses channel definition files (Col 1, Lines 19-21, i.e. *document description languages*).

Regarding Claims 5, 6, 13, 15-16 and 21-22, the limitations of these Claims are similar in scope to the rejected claim 1, above. In addition Najork discloses analyzing

the data from the first file to determine when a second file is schedule to be updated (Col 6, Lines 19-25, i.e. *FIG. 3 illustrates an "ordered set data structure" 134 for keeping track of the queues that are waiting to be serviced by threads. The data structure 134 stores an entry 135 for each queue that is waiting to be serviced. The entry 135 has a plurality of fields, including one for identifying the queue, and another for indicating the queue's assigned next download time.*

Regarding Claim 8, the limitations of this Claim is similar in scope to the rejected claims 1, 7, 17 and 23, above. It is therefore rejected as set forth above.

Regarding Claim 14, Najork discloses accessing time is after the schedule time (Figure 4, Element 174, i.e. *next download time is = present time + C*).

#### ***Other Prior Art Made of Record***

6. Ballard (U.S. Patent No. 6,236,661) discloses an accelerating access to wide area network information.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Points of Contact***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 746-7238 or (703) 746-7239 or (703) 746-7240.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

*Haythim J. Alaubaidi*

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Haythim J. Alaubaidi  
Patent Examiner  
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May 20, 2003



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